

## **ORDINANCE NUMBER 16-XX**

### **AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE TRAILS PLANNED UNIT DEVELOPMENT AND THE UNIFIED DEVELOPMENT ORDINANCE**

This is a Planned Unit Development District Ordinance (to be known as the "**THE TRAILS PUD AMENDMENT**") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Common Council enacted Ordinance No. 15-27, The Trails Planned Unit Development District (the "The Trails PUD Ordinance") on November 9, 2015;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. ##-PUD-##**), requesting an amendment to the Unified Development Ordinance, The Trails PUD Ordinance, and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. ##-PUD-##** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a \_\_\_\_\_ recommendation (#-#) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on \_\_\_\_\_, 2016;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Trails PUD Ordinance, the Unified Development Ordinance, and Zoning Map are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 The Unified Development Ordinance, The Trails PUD Ordinance, and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**The Trails PUD District Amendment**" (the "District").
- 1.2 This Ordinance shall amend The Trails PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the (i) Unified Development Ordinance or (ii) The Trails PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance or The Trails PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 Concept Plan – Master: The plan for the development of the Real Estate, as attached hereto as **Exhibit B.**
- 2.2 Illustrative Character Exhibit – Starbucks: The architectural building elevations, attached hereto as **Exhibit C.**
- 2.3 Illustrative Character Exhibit – Crew Car Wash: The architectural building elevations, attached hereto as **Exhibit D.**

**Section 3. Concept Plan.** The Concept Plan – Master, attached hereto as **Exhibit B,** is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan – Master. The Real Estate shall be developed in substantial compliance with the Concept Plan – Master.

**Section 4. Underlying Zoning District(s).** The Underlying Zoning District of Lot A shall be the MF2: Multi-Family Medium Density District (the "Underlying Zoning District"). The Underlying Zoning District for Lots B & C shall be the GB: General Business District (the "Underlying Zoning District").

**Section 5. Land Uses.** The regulations applicable to The Trails PUD Ordinance and the Underlying Zoning District shall apply to the development of the Real Estate, except as otherwise modified below.

- 5.1 Permitted Uses: Section 3 of The Trails PUD Ordinance shall apply to the Real

Estate, except as otherwise modified below.

- A. In addition to the uses permitted within lots B & C, Car Washes shall be a Permitted Use in the General Business area.

**Section 6.** **General Regulations.** The standards of *Chapter 4: Zoning Districts* as applicable to the apartment district (Lot A) of The Trails PUD Ordinance and the Underlying Zoning District shall apply to the development of the Real Estate, except as otherwise modified below.

6.1 **Minimum Building Setback Lines:**

- A. Front Yard: 0 feet
- B. Side Yard: 5 feet
- C. Rear Yard: 10 feet

6.2 **Minimum Distance Between Buildings:**

- A. Distance Between Buildings: 15 feet

6.3 *Article 4.16: General Business District regulations shall apply to Lots B & C*

**Section 7.** **State Highway 32 Overlay District.** The regulations of Article 5.3 Overlay Districts; State Highway 32 Overlay District (the "SR32 Overlay") shall apply to the development of the Real Estate and The Trails PUD Ordinance, except as otherwise modified below.

7.1 **Article 5.3(K) Architectural Design Requirements:** Shall apply, except as otherwise modified below by the Illustrative Character Exhibit.

- A. **Illustrative Character Exhibit.** Buildings constructed on the Real Estate shall be substantially similar in quality and character with the Illustrative Character Exhibit, attached hereto as **Exhibit C** and **Exhibit D**.
- B. **Article 5.3(K)(2)(k)(iii) Building Materials; Masonry Materials:** Shall be modified to require that a minimum of forty percent (40%) of each building façade, exclusive of windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.
- C. **Article 5.3(K)(2)(k)(iv) Building Materials; Other Materials:** Shall be modified to permit no more than forty percent (40%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with another single building material (exclusive of Masonry Materials).

7.2 **Article 5.3(L) Trail Corridor Requirement:** Shall apply.

**Section 8.** **Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the Real Estate and The Trails PUD Ordinance, except as otherwise modified below.

8.1 **Article 6.3 Architectural Standards:** With the exception of Article 6.3(E)(2) Masonry Materials, the architectural standards of Article 6.3 shall apply to the

development of the Real Estate and The Trails PUD Ordinance, except as otherwise modified below.

A. A minimum sixty percent (60%) of each Building Façade in the Apartment District, excluding windows and doors, shall be Masonry Materials.

8.2 Article 6.8 Landscaping Standards: The Minimum Lot Landscaping Requirements (Article 6.8(K)), Foundation Plantings (Article 6.8(L)), External Street Frontage Landscaping Requirements (Article 6.8(M)), Buffer Yard Requirements (Article 6.8(N)), and Parking Area Landscaping (Article 6.8(O)) shall not apply; rather, landscaping shall be required and installed in substantial compliance with the Landscape Plan, attached hereto as **Exhibit E**.

8.3 Article 6.17 Sign Standards: [Developer should review and need to address potential modifications to ensure adequate pedestrian and vehicular signage design; note ground signs are not permitted and not consistent with Junction Sub-District Addendum.]

**Section 9.** **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

**Section 10.** **Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the Real Estate and The Trails PUD Ordinance, except as otherwise modified below.

10.1 *Article 8.6 Open Space and Amenity Standards* shall apply, except as otherwise modified below.

A. Lot A shall be developed to include a minimum of five (5) amenities, including the amenities listed in the original ordinance ("The Trails PUD Ordinance").

10.2 Trail Access: The regulations for the trail access shall apply to the development of the Real Estate and The Trails PUD Ordinance, except as otherwise modified below.

A. Lot A shall include direct access to the Monon Trail.

[Remainder of this page intentionally left blank; signature pages follow.]

ALL OF WHICH IS ORDAINED/RESOLVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
James J. Edwards

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James J. Edwards

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James J. Edwards

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Mark F. Keen

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Mark F. Keen

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Mark F. Keen

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Charles Lehman

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Charles Lehman

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Charles Lehman

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 16-19** was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-19**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-19**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
J. Andrew Cook, Mayor

This document prepared by: Adam Horkay  
EdgeRock Development, LLC  
733 E. State Road 32, Westfield, IN 46074

**SCHEDULE OF EXHIBITS**

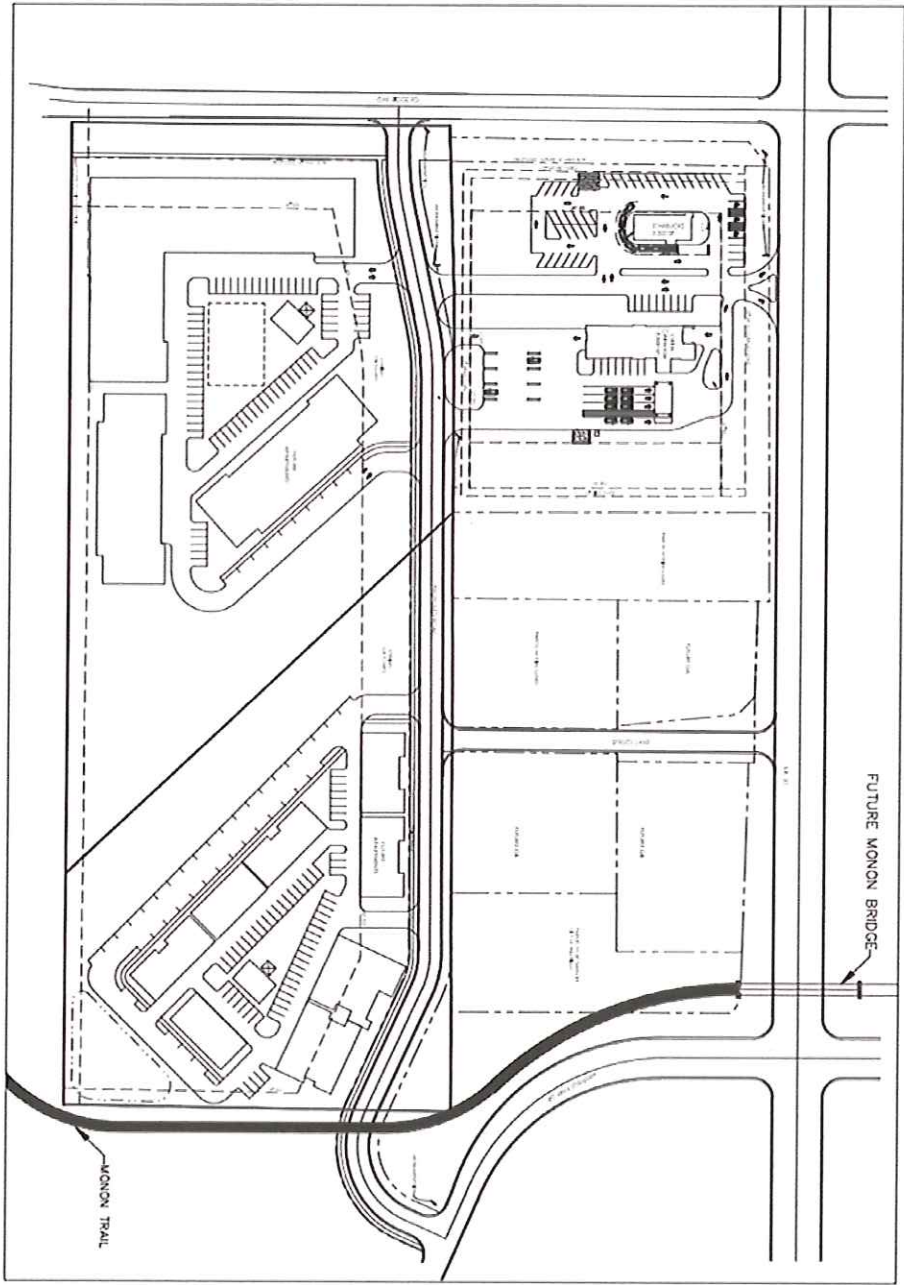
Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Illustrative Character Exhibit – Starbucks
Exhibit D	Illustrative Character Exhibit – Crew Car Wash
Exhibit E	Landscaping Plan

**EXHIBIT A**  
REAL ESTATE

{ Future Legal Description }

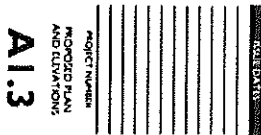


**EXHIBIT B**  
**CONCEPT PLAN**



**MASTER-PUD**  
**SR 32 AND SPRUCE LANE**  
**WESTFIELD, INDIANA**  
**JULY 7, 2016**





**EXHIBIT C**  
**ILLUSTRATIVE CHARACTER EXHIBIT**

{ Future Crew Car Wash Renderings }

**EXHIBIT D**  
**LANDSCAPE PLAN**

{ Future Landscaping Plan }